

RRP Relocation

Policies and Procedures

City of Cincinnati Department of Trade and Development

OVERVIEW AND GOALS

Cincinnati City Council has declared that it is City policy in the planning and administration of every city property acquisition project or City housing or development assistance program, to minimize the adverse effects of involuntary displacement of persons from their homes, businesses, and neighborhoods.

Any residential homeowner or residential tenant involuntarily displaced from a dwelling unit as a direct result of any City property acquisition, project or program receiving City assistance is entitled to relocation benefits. Likewise, any business occupant involuntarily displaced as a direct result of any City property acquisition or project receiving City assistance shall be entitled to reimbursement for moving expenses, including reestablishment expenses.

These provisions are described in Chapter 740 of the Cincinnati Municipal Code, which references the guidelines of the *U.S. Department of Housing and Urban Development Handbook 1378*.

The following are explanations of some key terms which will be helpful in making decisions about the building or project you are considering for rehabilitation:

1. WHAT IS DISPLACEMENT?

- a. Displacement occurs when a “person” (or their property) is displaced as a DIRECT RESULT OF federally assisted acquisition, demolition, or rehabilitation.
- b. A person is displaced if THEY MOVE because the person is:
 - (1) Required to move; or
 - (2) Not offered a decent, safe, sanitary, and affordable unit in the project; or treated “unreasonably” as part of a permanent or temporary move; or
 - (3) If a person was not given or provided with the necessary notices in a timely manner and decides to move for any reason.

2. WHO IS NOT DISPLACED?

- a. Persons not displaced include those who:
 - (1) Were evicted for cause, BUT not if the eviction is taken to evade paying relocation assistance;
 - (2) Have no legal right to occupy the property (e.g. squatters);
 - (3) Occupied the property for the purpose of obtaining relocation benefits;
 - (4) Before leasing and occupying the property, receive written notice of the possibility that displacement or an increase in rent may occur and that relocation assistance will not be provided.
 - (5) Retain the right of use and occupancy of the property following acquisition (life estates);
 - (6) Waive their rights after being fully informed of them; or
 - (7) The grantee decides (and HUD agrees in writing) were not displaced as a direct result of the project (professional relocatees).
 - a. When in doubt, ask the HUD Field Office for a determination.

3. WHO ARE CONSIDERED DISPLACED TENANTS?

- a. Tenants asked to move permanently off site as a result of the acquisition, demolition, and/or rehabilitation. Any tenant present at the time of initial application for funds will become eligible if asked to move permanently off site;
- b. Tenants who are overcrowded. Any tenants who are in overcrowded units, and who will not be offered an appropriate sized unit within the building or project is considered displaced;
- c. Tenants paying more than 30 percent of their monthly income for housing expenses. Any tenants who are paying more than 30 percent of their monthly income for rent and utilities are considered rent burdened and “displaced.”
- d. Any increase in monthly rent and utilities after rehabilitation. Any tenant whose rent and utility costs have increased to more than 30 percent of their monthly income as a result of rehabilitation is displaced.

4. RELOCATION LIABILITY

- a. Relocation liability means that a tenant or tenants have been “displaced” from a property which has applied for Federal Funds for housing rehabilitation. The displaced tenant(s) are eligible for benefits under the Uniform Relocation Act (URA). These benefits include moving expenses as determined by the URA guidelines and a rental assistance payment. The rental assistance payment is the difference between the monthly rent and utility cost at the displaced site and the monthly rent and utility cost at a new comparable site. This is calculated over a 42-month period in situations where the monthly rental cost exceeds the monthly income, income replaces rent in the calculation. Benefits paid to tenants under the URA guidelines are unique to each client and are assessed accordingly. Once a relocation liability has been determined, the Developer must meet the obligation using Federal Funds or other identified resources or withdraw the application for federal rehabilitation funds.

RELOCATION ON HOUSING AND ECONOMIC DEVELOPMENT PROJECTS

Preferences and Priorities

Relocation requirements will be evaluated at the time of application and implemented when projects are approved for funding. To the greatest extent possible, priority is given to the acquisition and/or rehabilitation of unoccupied property to avoid relocation and/or displacement.

- Highest Preference: Project does not require relocation.
- Second Preference: Project requires relocation services; applicant hires a relocation specialist. Developer is required to hire a relocation specialist if project has 10 or more units.
- Last Preference: Project requires relocation services; applicant does not hire a relocation specialist.

When possible, rehabilitation of apartment units should be staged to allow tenants to remain in the building/complex during and after the rehabilitation, working with the empty units first.

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Forms, Reports, and Performance Management

Relocation Monitoring

The Department of Trade and Development has contracted with Relocation Consultant(s) who monitor the relocation services provided by the owner or developer of DTD projects. As part of the Relocation Monitoring component, the Relocation Consultant(s) will select and use the appropriate HUD exhibits to assess the relocation services provided by the owner or developer. The Relocation Consultant(s) will examine applications and records, visit project sites, and interview owners, tenants, and businesses. The Relocation Consultant(s) will report conclusions to City staff, prepare written reports, and follow up on any findings.

The Department of Trade and Development's Relocation Consultant provides monthly reports to DTD summarizing the status of each project as well as the services, notices, and payments provided to each owner, tenant, and/or business. Relocation files and owner/tenant data must be copied and stored for DTD's records in the appropriate format.

Documentation Required at the Project Level: *The following forms are available in DTD's shared drive or from the Monitoring Section of the Department of Trade and Development. Project file must include these forms as applicable:*

- A. All Project-level documents as required by *HUD Monitoring Exhibit 2-2: Guide for Review of Relocation and Real Property Acquisition Projects*.
- B. Acquisition/Relocation Project Evaluation Form: Submitted by Analyst to Relocation Consultant or Monitoring Section Staff as a tool for consultant to assess project relocation components.
- C. Response to Acquisition/Relocation Project Evaluation Form: Submitted by Relocation Consultant or Monitoring Section to Analyst to summarize assessment of project relocation components. Includes form previously known as "Relocation Alternative."

- D. Relocation Plan: Submitted by Applicant/Developer for projects where there are Relocation Concerns. If Applicant/Developer does not submit Relocation Plan, one can be created by the Relocation Consultant. Although there is not a specific format for the Relocation Plan, it must include the following components:
- Analysis of the needs of the business owners, homeowners, and tenants that include the number of occupants residing in a dwelling, family sizes and ages, household income, and special needs
 - Analysis of replacement housing resources and determination as to whether sufficient housing is available to accommodate the number of those being displaced in a project
 - Analysis of the available resources for business and/or agencies being displaced
 - Personal contact with as many of the residential owners as practical
 - A schedule of events for the City's compliance with relocation assistance laws and regulations in relation to the specific project
 - Estimated budget to address relocation concerns.
- E. Relocation Authorization to Proceed: Describes scope of project with timeline, deliverables, and estimated hours.
- F. Additional Documentation to Maintain:
- a. Developer's Budget for Relocation
 - b. Documentation of Relocation Consultant's site visit to verify information submitted in Rehab Tenant Profile (email okay)

Documentation Required at the Case or Unit (i.e. household or business) Level: See HUD Handbook 1378 Chapter 6 for a complete list of recordkeeping requirements. Guide forms also available in HUD Handbook 1378. Non-HUD documents available from DTD Monitoring Section.

- A. Rehab Tenant Profiles or Business Tenant Profile: Submitted by Applicant/Developer. Should include rent and occupancy data for the last 12 months for each unit.
- B. All Documentation as required by the applicable HUD Monitoring Exhibit:
- a. 25-3: Guide for Review of Relocation of Residential Displaced Person – Individual Case File
 - b. 25-4: Guide for Review of Nonresidential Displaced Person – Individual Case File
 - c. 25-5: Guide for Review of Relocation of Residential Occupant Not Displaced – Individual Case File
 - d. 25-6: Guide for Review of Relocation of Nonresidential Occupant Not Displaced – Individual Case File
 - e. 25-7: Guide for Review of Real Property Acquisition
- C. Notices as Applicable:
- a. General Information Notices: Required for all businesses or households
 - b. Notice of Eligibility for Relocation Assistance or Notice of Non-Displacement: Must also record receipt of delivery of notice
 - c. 90-day Notice: For displaced occupants
 - d. 30-day Notice: For displaced occupants

- D. HUD Forms: As applicable, necessary HUD forms can be found here:
http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/library/relocation/forms.
- Claim for Temporary Relocation Expenses
 - Claim for Moving and Related Expenses (Residential and Nonresidential)
 - Claim for Fixed Payment (Nonresidential)
 - Claim for Replacement Housing Payment
 - Claim for Rental Assistance or Downpayment Assistance
 - Selection of Most Representative Comparable Replacement Dwelling
 - Claim for Rental or Purchase Assistance
- E. Appeals: Any relocation appeals filed by tenants or businesses.
- F. Relocation Parcel Close Out Sheet: Completed by Relocation Consultant for each unit/business.

REPORTS: *To be submitted monthly by Relocation Consultant to Department of Trade and Development. Reports should be maintained in project file.*

- A. HUD Residential Management Report or Nonresidential Relocation Management Report: Submitted by Relocation Consultant monthly during duration of project. See Appendix 21 and 22 of *HUD Handbook 1378*.

HUD Monitoring Exhibits: The appropriate exhibit(s) should be selected and should be used to sample relocation files. Monitoring Exhibits are available electronically on HUD's website. See References and Resources section for link. Copies of the completed exhibit should be submitted by Relocation Consultant to DTD monthly:

- a. 25-1: Guide for Review of Relocation and Real Property Acquisition Policies and Procedures
 - b. 25-2: Guide for Review of Relocation and Real Property Acquisition Projects
 - c. 25-3: Guide for Review of Relocation of Residential Displaced Person – Individual Case File
 - d. 25-4: Guide for Review of Nonresidential Displaced Person – Individual Case File
 - e. 25-5: Guide for Review of Relocation of Residential Occupant Not Displaced – Individual Case File
 - f. 25-6: Guide for Review of Relocation of Nonresidential Occupant Not Displaced – Individual Case File
 - g. 25-7: Guide for Review of Real Property Acquisition
- B. Monthly Status Update: Narrative summary of relocation activities for a project. Submitted by Relocation Consultant to DTD monthly along with Residential Management Report or Nonresidential Management Report and file sampling (email okay).

FILE AND DOCUMENT STORAGE STANDARDS

- A. Tenant or Business Case Files: These files are kept by the Relocation Specialist or Relocation Consultant until project completion. At project completion, copies of each file must be submitted to DTD. For projects with fewer than 50 units, paper files must be submitted. For projects with 50 units or greater, a PDF scan of case files may be submitted and stored electronically as long as original files are maintained

on site at development. Files must be maintained for 5 years or as required by *HUD Handbook 1378*, Chapter 6 “Recordkeeping and Records.”

- B. Reports (Listed in Reports Section): Must be scanned and uploaded into DTD database. Must be maintained for 5 years or as required by *HUD Handbook 1378*, Chapter 6 “Recordkeeping and Records.”

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Relocation Appeal Process

It is Trade and Development’s policy to address complaints as quickly and equitably as possible using the following process:

1. A person or business dissatisfied with any aspect of their relocation assistance may submit an appeal. Both written and verbal appeals will be addressed.
2. Appeals should be presented to the individual handling the direct relocation services, either to the relocation specialist hired by the owner/developer of the project or to the relocation consultant under contract with the City.
3. The appeal should be reviewed promptly. Documentation of the appeal, the subsequent review, and the resolution of the appeal should be placed in the case file. The details of the appeal should be communicated to the assigned Analyst and the Department of Trade and Development Monitoring Section as part of the Monthly Status Report.
4. If the tenant or business is not satisfied with the resolution of the appeal, they may contact Monitoring Section Staff at the Department of Trade and Development.
5. DTD staff will conduct an internal review, in consultation with the City’s relocation consultant. Documentation of the review should be placed in the case file.
6. DTD staff will communicate the results of the internal review to the tenant or business.

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References and Resources

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| <p><i>HUD Handbook 1378</i></p> <ul style="list-style-type: none"> • Recordkeeping Requirements • Guide Forms • Reports | http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/library/relocation/policyandguidance/handbook1378 |
| HUD Relocation Forms | http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/library/relocation/forms |
| HUD Monitoring Exhibits | http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/handbooks/cpd/6509.2 |
| HOME Cross-Cutting Requirements | http://www.hud.gov/offices/cpd/affordablehousing/lawsandregs/fedreq |
| CDBG Toolkit on Crosscutting Issues | http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/communitydevelopment/toolkit |
| City of Cincinnati Municipal Code | http://library.municode.com/index.aspx?clientId=19996&stateId=35&stateName=Ohio |
| HUD Relocation Training Binder | <i>All the Right Moves: Relocation and Tenant Assistance in HUD Programs.</i> |